IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22515 of 2004

Between:

Arithoti Bhagavan Dass, S/o. Arithoti Deva Dass,
R/o. Tangutur, Tangutur Mandal, Prakasam District.

..... PETITIONER

AND

The Mandal Revenue Officer, Tanguturu Mandal, Prakasam

District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the respondent in ceasing the stocks by breaking the locks of the shop of the Petitioner's Fair Shop, Srinivasa Nagar and handing over the stocks for the safe custody to one Sri K. Balakontaiah, F.P. Shop Dealer, 5th Shop, TangUtur Village, without giving any notice, without any allegations, without conducting any enquiry and without verifying the stocks Registers and issuance of the notice Rc. A/813/2004 dt. 05-12-2004 as illegal, arbitrary and violative of Principles of Natural Justice and consequently direct the respondent to continue the petitioner as dealer for the Fair Price Shop, Srinivasa Nagar, Tangutur, Tangutur Mandal and grant such other relief as it seems fit and proper.

Counsel for the Petitioner: MR.P.SREE RAMULU NAIDU

Counsel for the Respondent: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The petitioner challenges the action of the respondent herein in seizing certain stocks of essential commodities by breaking open the locks of the shop.

The writ petition came up for admission on 07.12.2004. It was adjourned to subsequent dates with a view to enable the Government Pleader to obtain instructions. On 10.12.2004, the panchanama of seizure was produced before this Court. It did not disclose any acts of violation on the part of the petitioner. Except stating that the lock of the premises was broken and whatever was available in it was seized, nothing was indicated therein. On realizing the illegality, the respondent has restored all the seized stock to the petitioner. It is represented that further steps would be taken only after following the procedure prescribed by law. It is stated that the petitioner is now functioning as Fair Price Shop Dealer. Inasmuch as the entire seizure was found to be unwarranted and contrary to law, the same needs to be taken into account by the Joint Collector, while passing the order in the proceedings under Section 6-A of the Essential Commodities Act, if they are already initiated before him.

The writ petition is accordingly disposed of directing that the petitioner shall be entitled to function as Fair Price Shop Dealer, unless the authorization is not cancelled duly observing the procedure prescribed by law.

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14.12.2004

Jsu

To

1. The Mandal Revenue Officer, Tanguturu Mandal, Prakasam

District.

2 2CCs to the Government Pleader for Civil Supplies, High

Court Buildings, Hyderabad. (O.U.T)

3 2 CD copies.